

IPA Rec'd 17 SEP 20 2006 \$

IN THE  
UNITED STATES  
PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Peter Wirth

CASE: OST-051180

SER. NO.: 10/542,538

FILING DATE: July 18, 2005

FOR: APPARATUS FOR CUTTING OR WELDING  
TUBULAR WORKPIECES OR THE LIKE

RESPONSE TO  
NOTICE TO  
FILE MISSING  
PARTS

Mail Stop Missing Parts  
COMMISSIONER  
FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION OF: Not yet assigned

EXAMINER: Not yet assigned

CONFIRMATION NO.: 7043

Dear Examiner:

This is in response to the Notice to File Missing Parts, mailed November 16, 2005, a copy of which is attached.

The Notice indicated that the executed Declaration was missing. In response, Applicant

01/25/2006 HTRAM1 00000124 10542538  
01 FC:1617 fee. 130.00 DP

herewith submits the fully executed Declaration and Power of Attorney, along with the surcharge

Furthermore, Applicant also submits herewith a fully executed Assignment, Recordation Form cover sheet, and the Assignment fee. Accordingly, a check in the amount of \$170.00 is included herewith to cover the late Declaration surcharge (\$130.00), and the Assignment fee

FACTOR & LAKE, LTD.  
1327 W. Washington Blvd  
Suite 5G/H  
Chicago, IL 60607  
(312) 226-1818 Telephone  
(312) 226-1919 Facsimile

03 717 59

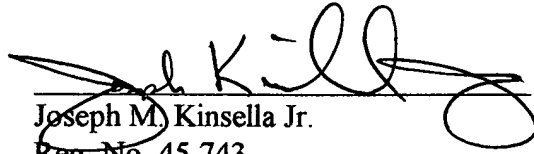
Jody L. Factor	34157
Micheal D. Lake	33727
Edward L. Bishop	39110
Joseph M. Kinsella Jr.	45743
Nick S. Lee	54260

(\$40.00). If any additional charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 50-0545.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

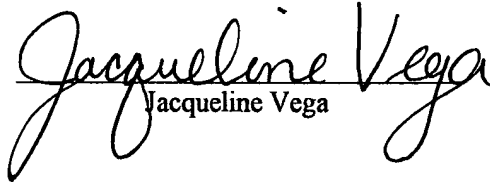
Respectfully submitted,

January 17, 2006

  
Joseph M. Kinsella Jr.  
Reg. No. 45,743  
One of Applicant's Attorneys

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Patent Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 17, 2006.

  
Jacqueline Vega



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 www.uspto.gov

U.S. APPLICATION NUMBER NO. ✓ 10/542,538	FIRST NAMED APPLICANT Peter Wirth	ATTY. DOCKET NO. OST-051180
---------------------------------------------	--------------------------------------	--------------------------------

22876  
 FACTOR & LAKE, LTD  
 1327 W. WASHINGTON BLVD.  
 SUITE 5G/H  
 CHICAGO, IL 60607



INTERNATIONAL APPLICATION NO. PCT/EP04/07455	
I.A. FILING DATE 07/08/2004	PRIORITY DATE 08/01/2003

CONFIRMATION NO. 7043  
**371 FORMALITIES LETTER**  
  
 \*OC000000017460666\*

Date Mailed: 11/16/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/18/2005
- Copy of the International Search Report filed on 07/18/2005
- Information Disclosure Statements filed on 07/18/2005
- Copy of references cited in ISR filed on 07/18/2005
- U.S. Basic National Fees filed on 07/18/2005
- Priority Documents filed on 07/18/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$.00 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$.00 for a Large Entity:

- \$.00 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/542,538	PCT/EP04/07455	OST-051180

FORM PCT/DO/EO/905 (371 Formalities Notice)